

REMARKS

Claims 1-19 are pending in this application.

Claims 1-3, 7-9, 11, 12, 15-17 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins, Jr. (U.S. Patent No. 5,571,139) ("Jenkins") in view of Grafton et al. (U.S. Patent No. 5,964,783) ("Grafton '783"). This rejection is respectfully traversed.

The subject matter of claims 1, 3, 7-9, 11, 12, 15-17 and 19 would not have been obvious over Jenkins and Grafton '783, considered alone or in combination. Jenkins is silent about "a suture eyelet formed of a strand of suture," much less about "a suture eyelet formed of a strand of suture insert-molded into the bioabsorbable anchor body," as claim 1 recites. Jenkins teaches two suture knots 27, 28 formed by four suture strands 29, 30 disposed within body 13 of bidirectional suture anchor 1, and not a "suture eyelet" formed "of a strand of suture" (i.e., by a single suture), much less a "suture eyelet" formed by a single strand which is insert-molded into the anchor, as in the claimed invention.

In the Office Action dated November 21, 2007, the examiner asserts that "Jenkins teaches a suture eyelet" because "when the loop 28 is formed, there is an eyelet for the suture to pass through." (Office Action at 6-7). Applicants disagree. As known to those skilled in the art and as defined in the American Heritage Dictionary (2d Ed.), an "eyelet" has a different meaning from that of a "knot." Specifically, the term "eyelet" is defined as a "small eye" or a "small hole or perforation . . . used for fastening with a cord or hook," whereas the term "knot" is defined as a "compact intersection of interlaced material." Thus, the compact intersection that forms a knot cannot be a "small hole or perforation" much less a "small hole or perforation . . . used for fastening with a cord or hook."

In any event, even under the broad interpretation proposed by the Examiner, the suture that passes through the suture knot of Jenkins is clearly not a second, knot-tying suture as now recited in amended claims 1 and 11. The only suture that “passes through” the knot of Jenkins (under the Examiner’s interpretation) is the suture of the knot itself.

Applicants also submit that Jenkins teaches against “a strand of suture insert-molded into the bioabsorbable anchor body,” as claim 1 recites. Jenkins specifically teaches that, because of the bidirectional configuration of its suture anchor, the “[s]uture threads, such as second suture thread 30, are drawn through each anchor 1 and its respective pilot hole, and the suture is tied off to create second suture thread knot 28 within the proximal portion 26 of each anchor 1” (col. 5, ll. 39-42). Thus, drawing suture through the suture anchor of Jenkins and tying off such suture (that is first drawn through the anchor) would not be possible with an insert-molded strand.

Grafton ‘783 fails to address the deficiencies of Jenkins. Grafton ‘783 does not teach or suggest “a suture eyelet . . . disposed completely within the anchor body,” as claim 1 recites. Loop 11 of Grafton ‘783 (which would arguably correspond to the “suture eyelet” of the claimed invention) is located outside the hexagonal drive head 10 and outside the body 4, and not “completely within the anchor body,” as in the claimed invention.

Jenkins and Grafton ‘783, considered alone or in combination, also fail to disclose or suggest all limitations of claim 11. Jenkins is silent about an “insert-molded suture anchor,” much less about an “insert-molded suture anchor” having “a bioabsorbable anchor body” and “a suture loop disposed completely within the drive

socket of the anchor body,” as claim 11 recites. Jenkins teaches suture anchor 1 having knots 27, 28 disposed within distal and proximal portions 25, 26. Jenkins teaches, however, that distal and proximal portions 25, 26 (which house knots 27, 28) are separate from drive socket 31 and emphasizes that “it is critical that drive socket 31 be sized to prevent a driving tool from contacting second suture thread knot 28 while the anchor is inserted into the bone.” (Col. 5, ll. 8-10). This is because “[A]voidance of such detrimental contact [in Jenkins] is required to ensure the integrity of suture thread 30.” (Col. 5, ll. 10-12). Thus, Jenkins teaches against “a suture loop disposed completely within the drive socket of the anchor body,” as in the claimed invention.

Jenkins is also silent about “a suture loop . . . formed of a strand of suture insert-molded into the anchor body,” as claim 11 recites. Jenkins teaches two suture knots 27, 28 formed by four suture strands 29, 30 disposed within body 13 of bidirectional suture anchor 1, and not a “suture loop” formed “of a strand of suture” (i.e., by a single suture), much less a “suture loop” formed by one suture which is insert-molded into the anchor, as in the claimed invention.

Grafton ‘783 does not disclose or suggest “a bioabsorbable anchor body” with “a suture loop disposed completely within the drive socket of the anchor body,” as claim 11 recites. Loop 11 of Grafton ‘783 (which would arguably correspond to the “suture loop” of the claimed invention) is located outside the hexagonal drive head 10 and outside the body 4, and not “completely within . . . the anchor body,” as in the claimed invention.

Applicants submit that a person of ordinary skill in the art would also not have been motivated to combine the teachings of Jenkins with those of Grafton ‘783. On one hand, Jenkins teaches four flexible suture strands 29, 30 that are tied together to form two

knots within a bidirectional anchor. On the other hand, Grafton '783 teaches a non-flexible, insert-molded suture 8 that is provided during the fabrication of a unidirectional anchor. Thus, one skilled in the art would not have been motivated to combine Jenkins (which specifically teaches the insertion of the flexible suture strands within the anchor and then the tying of such strands to form two knots) with Grafton '783 (which specifically teaches a non-flexible, insert-molded suture provided during the fabrication of the anchor). A person skilled in the art would also not have been motivated to combine the bidirectional anchor of Jenkins with the unidirectional anchor of Grafton '783, since the suture loop 11 of Grafton '783 (which extends outside the body anchor) would not be suitable for direct insertion into a hole (i.e., would not be suitable for bidirectional use). For at least these reasons, the Office Action fails to establish a *prima facie* case of obviousness and withdrawal of the rejection of claims 1, 3, 7-9, 11, 12, 15-17 and 19 is respectfully requested.

Claims 10, 14 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins and Grafton '783, and further in view of Grafton et al. (U.S. Patent No. 6,319,270) ("Grafton '270"). This rejection is respectfully traversed.

The subject matter of claims 10, 14 and 18 would not have been obvious over Jenkins, Grafton '783 and Grafton '270, considered alone or in combination. None of the cited references, alone or in combination, discloses or suggests all limitations of independent claims 1 and 11. As noted above, Jenkins and Grafton '783 do not disclose all limitations of claims 1 and 11. Grafton '270 teaches a headed bioabsorbable tissue anchor with a flat head for engaging tissue and continuous thread spiraling around a tapering central core. Grafton '270 does not even teach a suture eyelet or loop, much less a suture eyelet or suture loop having the characteristics recited in claims 1 and 11.

Applicants also submit that a person of ordinary skill in the art would not have been motivated to combine the teachings of Jenkins with those of Grafton '270. On one hand, Jenkins teaches four flexible suture strands 29, 30 that are tied together to form two knots disposed within a bidirectional anchor. On the other hand, Grafton '270 teaches a headed, unidirectional anchor. Thus, one skilled in the art would not have been motivated to combine Jenkins (which specifically teaches the insertion of the flexible suture strands within a bidirectional anchor) with Grafton '270 (which teaches a headed, unidirectional anchor without a suture strand therein). For at least these reasons, the Office Action fails to establish a *prima facie* case of obviousness and withdrawal of the rejection of claims 10, 14 and 18 is respectfully requested.

Claims 4 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins and Grafton '783, in view of Jackson (U.S. Patent No. 6,454,772). This rejection is respectfully traversed.

Jenkins, Grafton '783 and Jackson, considered alone or in combination, do not disclose or suggest all limitations of independent claims 1 and 11 and of dependent claims 4 and 13. As noted, Jenkins and Grafton '783 do not disclose all limitations of the claimed invention. Jackson fails to rectify the deficiencies of Jenkins and Grafton '783. Jackson teaches a "set screw for locking a first implant in position relative to a second implant," the set screw being inserted by rotating the screw 1 into rod 61 (col. 8, ll. 65-67; col. 9, ll. 1-3), and not an anchor which is provided with a suture loop disposed within the anchor and which is driven by employing a driver. For at least these reasons, the Office Action fails to establish a *prima facie* case of obviousness, and withdrawal of the rejection of claims 4 and 13 is respectfully requested.

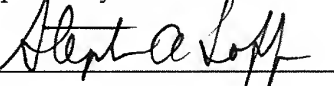
Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dreyfuss (U.S. Patent No. 6,652,563) in view of Grafton '783. This rejection is respectfully traversed.

Dreyfuss and Grafton '783, alone or in combination, do not disclose or suggest all limitations of claims 5 and 6. Dreyfuss teaches a threaded suture anchor with a body formed of metals such as titanium alloy, and not with a "bioabsorbable anchor body," as claim 5 recites. In addition, suture loop 122 and knots 125 are not "insert-molded" into the anchor, much less "insert-molded into the bioabsorbable anchor body," as in the claimed invention. Grafton '783 fails to rectify the deficiencies of Dreyfuss. Grafton '783 does not disclose or suggest "a suture loop . . . disposed completely within the anchor body." Loop 11 of Grafton '783 (which would arguably correspond to the "suture loop" of the claimed invention) is located outside the hexagonal drive head 10 and outside the body 4, and not "completely within the anchor body," as in the claimed invention. For at least these reasons, the Office Action fails to establish a *prima facie* case of obviousness and withdrawal of the rejection of claims 5 and 6 is respectfully requested.

Allowance of all pending claims is solicited.

Dated: April 21, 2008

Respectfully submitted,

By 

Stephen A. Soffen

Registration No.: 31,063
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403
(202) 420-2200
Attorneys for Applicants